

TOWN OF STAMFORD
PLANNING COMMISSION MEETING
December 18, 2023
(UNAPPROVED)

Planning Commission: Aaron Malachuk, Chair, Sheila Lawrence, Debra Burchard, Carolyn Brooks, Daniel Potvin and Kurt Gamari, ex-officio member.
David Saldo, Maura Hawkins, and Jenifer Hughes were not present.

Visitors: Robert Kirkpatrick, Thomas McShane, Nilaykumar Patel, Debra Righi, James Righi, and Pamela Tworig.
Lori Shepard, Secretary.

Aaron Malachuk called the meeting to order at 6:00 p.m. and opened with the Pledge of Allegiance.

HEARING OF VISITORS

1. Pam Tworig asked about the Town Plan and the Energy Plan and when they need to be readopted. She feels after the windmill project, the Planning Commission needs to take a close look at the Energy Plan. She would like to increase the one kilometer buffer between energy projects and residences. She also noted that the Town Plan refers to the scenic quality of Stamford many times. Aaron Malachuk said the town plan is supposed to match the state's goals so we only have so much say in its revision. He will follow up with the Bennington County Regional Commission.
2. Beth Phelps submitted a notice of building a farm structure with the town that was finally approved, but in the process there were a lot of questions asked by the Zoning Administrator that were outside of the stated definitions and laws that are provided for in the application. One question that was not resolved concerned the operation of an accessory business or farm store. She asked who enforces criteria set in state statute since there is nothing in the town By-laws that mentions this criteria. Dan Potvin feels there is a difference between a farm building and an agricultural building. Kurt Gamari felt the board should encourage business. Pam Tworig felt Deb Burchard has a job to do and she may need to look into things. Lori Shepard asked if the Zoning Administrator was hired to enforce the local By-laws or if she is expected to investigate all the state laws too. The board reviewed the state laws regarding farm and agricultural buildings which seem to be used interchangeably in the By-laws. Aaron Malachuk recognized a need to determine what the responsibilities of the Zoning Administrator are when it comes to farm structures. Deb Burchard said she won't sign her name on something she can't check into and verify the accuracy of. Beth Phelps feels it is the applicant who is signing under oath and if the Zoning Administrator is refusing to sign off on the permit, can the town clerk just stamp that it is received? Sheila Lawrence felt it has always been the best practice in town to require a permit and it is important that the Zoning Administrator sign it. Aaron Malachuk agreed that you don't need to have a farm registered with the state to have a farm structure. Deb Burchard said it would be up to the Selectboard to decide who signs off on the notice. She said that she does not receive compensation for these notice of buildings and she spent many hours investigating just one notice.

MINUTES

1. MOTION by Aaron Malachuk to accept the regular meeting minutes of September 11, 2023 as written. SECONDED by Carolyn Brooks. All in favor. Motion APPROVED.
2. The board deferred accepting the minutes of October 30, 2023 until the next meeting since there were not enough voting members in attendance who were at the last meeting.

SITE PLAN DETERMINATION

Aaron Malachuk said he called tonight's meeting to determine if a site plan is necessary. The new owners of Bilmont's Country Store would like to increase the store hours and offer U-Haul rental services. Aaron Malachuk feels a variance from the Zoning Board of Adjustment is needed. Deb Burchard feels a site plan review by the Planning Commission is required. Aaron Malachuk reviewed the prior ZBA files and read when the business switched from car sales to retail sales. He said there was no discussion about outdoor retail sales when the gas pumps were installed at Bilmonts. Pam Tworig felt if the store had approval for a retail grocery operation, they can't just decide to store and rent vehicles. Nilaykumar Patel explained that the rental would take place through a phone app or in the store during store hours, but the customer could drop off the truck after hours and place the keys in the outside drop box. Bob Kirkpatrick was concerned with the potential late night U-Haul activity and the all-night lighting that would be required. Deb Burchard noted that the U-Haul trucks are consuming several of the customers' parking spaces. Tom McShane added that the gas tanker won't be able to deliver fuel with the trucks in the way. Tom McShane stated that he has complained about the lighting for years and the town's By-laws and state law say they cannot have illuminated signs. Nilaykumar Patel said no one has come to him to talk about the lighting being a problem and he will gladly turn off the lights. Tom McShane reiterated many of the complaints he had over the years with the former store owners. Kurt Gamari felt we should be careful as a town not to discourage businesses like a general store or a farm stand. Carolyn Brooks stated that U-Haul is a nationally recognized brand and a rolling billboard and asked if the board was paving the way for other big businesses to come in. Pam Tworig felt the U-Haul was a shock and said there was garbage around the yard and that Bilmonts has been in a steady downward spiral. Nilaykumar Patel said he has already ordered trash receptacles and is waiting for them to come in. He also agreed to give up the U-Haul rental. Deb Burchard said she will give him a few days to have all the U-Haul trucks and signage removed. Pam Tworig questioned the number of signs they have. The board debated whether a site plan review was required by the Planning Commission or if the store owner should seek a variance through the ZBA. Kurt Gamari felt the site plan requirement applied to a new business/new construction. Deb Burchard argued that a site plan should be required in this case. Carolyn Brooks thanked Nilaykumar Patel for his willingness to accommodate the neighbors and his desire to be a good resident in town.

PLANNING COMMISISON BUDGET

Lori Shepard reviewed the budget line items with the board. She expressed her frustration with the Planning Board and felt the meeting tonight was very negative and unwelcoming. Aaron Malachuk understood her frustration and defended the many good things the board has done, with the By-law work, the unexpected windmill project and tonight's determination regarding Bilmonts. He said he would like to work toward positive change in town. Upon reviewing the budget line items and in an effort to cut costs, he suggested that the clerk of the Planning

Commission take the meeting minutes in 2024. Carolyn Brooks was agreeable and the board decided not to budget funds for a paid secretary going forward.

MOTION by Aaron Malachuk to adjourn. SECONDED by Dan Potvin. All in favor. Motion APPROVED. The meeting adjourned at 8:10 p.m.

These minutes were prepared by Lori Shepard on behalf of the Planning Commission for its review and approval.

Carolyn Brooks
Planning Commission Clerk

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